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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/559,959	09/08/2006	Warren Godfrey Day	042933/387242	1463

10949 7590 02/02/2011

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EXAMINER	
DONADO, FRANK E	
ART UNIT	**PAPER NUMBER**
2617	

MAIL DATE	DELIVERY MODE
02/02/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/559,959	DAY, WARREN GODFREY	
	Examiner	Art Unit	
	FRANK DONADO	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 January 2011*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/18/11 has been entered.

Response to Amendment

2. The amendment filed on 1/18/11 has been entered. Claims 1, 5-6, 8-9, 13, 16-19 have been amended. No claims have been cancelled. Claims 21 and 22 have been added. Claims 1-22 are currently pending in this application, with claims 1, 13 and 19 being independent.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 1-8, 10 and 12-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Washburn **(US Patent No. 7,321,920)**, in view of Glitho, et al **(US PG Publication 2004/0078256)**. From now on, Glitho, et al, will be referred to as Glitho.

Regarding claim 1, Washburn teaches a method comprising: receiving, at an intermediate server, data sent by a first application running on a wireless information device, the data relating to time sensitive information entered by an end-user into the first application **(A user of a wireless device enters a day and time for a learning application to be run on said device of said user, Column 15, lines 41-67 and Column 16, lines 1-4)**, wherein the intermediate server is configured to run on the wireless information device **(An application server is programmed to and delivers questions for said learning application at said time to said device, Column 15, lines 53-63)**; and providing the data, over the application programming interface, from the intermediate server to a second application running on the device (**Said server provides said questions in a game mode to said device, Column 16, lines 6-11)**, the data relating to the time sensitive information, the data triggering the second

application to cause the device to automatically change its behavior appropriately in dependence on the data and not in dependence on automatically acquired context information **(Said game mode questions are presented at said user-requested time, where responses to said questions cause said device to play sounds, vibrate and perform other functions, and said game mode is acquired as selected by said user and not automatically acquired based on context/location, Column 15, line 67 and Column 16, lines 1-15)**. Washburn does not teach the server presents a generic application programming interface. Glitho teaches the server presents a generic application programming interface **(A server comprises an application programming interface that runs a calendar application on a wireless device, Paragraph 10 and Paragraph 22, lines 10-16)**. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Washburn to include this feature for the benefit of added security.

Regarding claims 2 and 14, Washburn, in view of Glitho, teaches the method of claim 1 and the wireless information device of Claim 13, respectively. Washburn further teaches the first application is a calendar or agenda application and the time sensitive information comprises an entry into the calendar or agenda application **(Said entering into said learning application includes scheduling said time (template 302 in Figure 12), Column 15, lines 64-67 and Column 16, lines 1-4)**.

Regarding claim 3, Washburn, in view of Glitho, teaches the method of claim 2. Washburn, in view of Glitho, does not teach the end-user selects from a menu list a label to apply to the entry, the label defining the type of behavior change to be carried out by the second application. Parker teaches the end-user selects from a menu list a label to apply to the entry, the label defining the type of behavior change to be carried out by the second application **(Said user enters a time to be reminded of an event, where said reminder includes a type of behavior to be executed by said wireless device, including said server transmitting an additional reminder to buy a gift to said wireless device, based on whether or not said user selected this option from a menu (172 in Figure 7), Column 10, lines 33-48 and Column 11, lines 13-30)**.

Regarding claims 4 and 15, Washburn, in view of Glitho, teaches the method of claim 1 and the wireless information device of claim 13, respectively. Washburn further teaches the first application is an alarm application and the time sensitive information defines an alarm time **(Said user enters a time to be reminded of an event, Column 10, lines 33-48)**.

Regarding claims 5 and 16, Washburn, in view of Glitho, teaches the method of claim 1 and the wireless information device of claim 13, respectively, in which the second application is a telephone application that enables telephone functions of the wireless information device to be controlled **(Said user enters a time to be reminded of an event, where said reminder includes said server triggering a call invitation**

at said wireless device based on whether or not said user selected this option from a menu (172 in Figure 7), Column 10, lines 33-48 and Column 11, lines 20-25).

Regarding claims 6 and 17, Washburn, in view of Glitho, teaches the method of claim 1 and the wireless information device of claim 13, respectively. Washburn further teaches the data provided to the second application triggers the second application to cause the device to automatically change one or more of the following: (a) altering a telephone profile (b) altering the wireless information device ring tone (c) altering the wireless information device user interface (d) switching off telephone functionality (e) switching off the wireless information device entirely (f) switching the wireless information device to a power save mode (g) switching off one or more items of communications hardware **(Said user enters a time to be reminded of an event, where said reminder includes said server triggering a call invitation at said wireless device based on whether or not said user selected this option from a menu (172 in Figure 7), and said user inputs a selection from a button displayed on said device (177 in Figure 7) to transmit an invitation to a celebrator of said event, Column 10, lines 33-48, Column 11, lines 20-25 and 29-34)**.

Regarding claims 7-8, 10 and 18, Washburn, in view of Glitho, teaches the method of claim 1 and the wireless information device of claim 13, respectively.

Washburn further teaches in an instance in which a conflict arises between the behavior change due to the data from the first application and a different behavior change input directly to the first or the second application, then the different behavior change prevails **(Saud user selects a snooze button (314 in Figure 12), where said snooze button causes said device to enter a different operating mode than regular game mode, Column 16, lines 40-45)**, and a conflict resolution component determines which behavior change prevails, in which the conflict resolution component is the server **(Said snooze button informs said server to enter said different mode, where said server resends questions not answered due to said snooze button selection at a later time, Column 16, lines 40-45)**.

Regarding claim 12, Washburn, in view of Glitho, teaches the method of claim 1. Washburn further teaches the second application causes the device to automatically change its behavior appropriately in dependence on the data from the first application for a time period determined by that data. **(Said entering into said learning application includes entering start and end times (template 302 in Figure 12) for said learning application to be run on said device, Column 15, lines 64-67 and Column 16, lines 1-4)**.

Regarding claim 13, Washburn teaches a wireless information device programmed to automatically modify its behavior, the device programmed to run: an intermediate server, configured to receive data sent by a first application running on a

wireless information device, the data relating to time sensitive information entered by an end-user into the first application **(A user of a wireless device enters a day and time for a learning application to be run on said device of said user, where an application server delivers questions for said learning application at said time to said device, Column 15, lines 53-63Column 15, lines 41-67 and Column 16, lines 1-4)**; wherein the intermediate server is further configured to provide the data to a second application running on the wireless information device **(Said server provides said questions in a game mode to said device, Column 16, lines 6-11)**, the data triggering the second application to automatically change the behavior of the wireless information device appropriately in dependence on the data and not in dependence on automatically acquired context information **(Said game mode questions are presented at said user-requested time, where responses to said questions cause said device to play sounds, vibrate and perform other functions, and said game mode is acquired as selected by said user and not automatically acquired based on context/location, Column 15, line 67 and Column 16, lines 1-15)**. Washburn does not teach the server presents a generic application programming interface; and the data is provided over the generic application programming interface. Glitho teaches the server presents a generic application programming interface, and the data is provided over the generic application programming interface **(A server comprises an application programming interface that runs a calendar application on a wireless device, Paragraph 10 and Paragraph 22, lines 10-16)**. It would have been

obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Washburn to include this feature for the benefit of added security.

Regarding claim 19, Washburn teaches an apparatus comprising at least one processor, the at least one processor configured to cause the apparatus to at least run a first application **(A user of a wireless device enters a day and time for a learning application to be run on said device of said user, Column 15, lines 41-67 and Column 16, lines 1-4)**, a second application, and an intermediate server, wherein the intermediate server is configured, when run on the apparatus, to: receive data sent by a first application, the data relating to time sensitive information entered by an end-user into the first application **(An application server delivers questions for said learning application at said time to said device upon said entering of request for said questions into said learning application by said user, Column 15, lines 53-63)**; and provide the data, over the application programming interface, to the second application **(Said server provides said questions in a game mode to said device, Column 16, lines 6-11)**, the data triggering the second application to automatically change the behavior of the apparatus appropriately in dependence on the data and not in dependence on automatically acquired context information **(Said game mode questions are presented at said user-requested time, where responses to said questions cause said device to play sounds, vibrate and perform other functions, and said game mode is acquired as selected by said user and not automatically acquired based on context/location, Column 15, line 67 and Column 16, lines 1-15)**. Washburn does not teach the intermediate server is configured to cause an

application programming interface to be presented. Glitho teaches the intermediate server is configured to cause an application programming interface to be presented **(A server comprises an application programming interface that runs a calendar application on a wireless device, Paragraph 10 and Paragraph 22, lines 10-16)**. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Washburn to include this feature for the benefit of added security.

Regarding claim 20, Washburn, in view of Glitho, teaches the apparatus of Claim 19. Washburn further teaches the apparatus comprises or is embodied on a wireless information device **(Said device is a wireless information device, Column 15, lines 43-45)**.

Regarding claim 21, Washburn, in view of Glitho, teaches the method of Claim 1. Washburn further teaches the first application sends the data indirectly to the second application via the intermediate server **(Said server provides said questions in said game mode to said device, Column 16, lines 6-11)**.

Regarding claim 22, Washburn, in view of Glitho, teaches the method of Claim 1. Washburn further teaches the intermediate server operates as an insulation layer separating the first and second applications **(Said time-sensitive application is sent to said server, where said server receives and processes information from said**

time-sensitive application before running said gaming application in a separate operation at said time received from said time-sensitive application, indicating said server separates said applications, Column 16, lines 1-11).

6. Claims 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Washburn, in view of Glitho, and further in view of Miriyala **(US Patent No. 7,069,027)**.

Regarding claims 9 and 11, Washburn, in view of Glitho, teaches the method of claim 1. Washburn, in view of Glitho, does not teach an override component determines whether a behavior change due to the data from the first application is inappropriate and overrides that behavior change in an instance in which it is determined that the behavior change is inappropriate, in which the override component is the server. Miriyala teaches an override component determines if a behavior change due to the data from the first application is inappropriate and then overrides that behavior change, in which the override component is the server **(A digital information center normally places wireless devices in a mute mode, where said digital information center overrides said muting when said muting is not appropriate, Column 4, lines 64-67, Column 5, lines 1-4 and 9-16, Column 1, lines 46-53 and Column 3, lines 4-17)**. It would have been obvious to one of ordinary skill in the art at

the time of the invention to modify the invention of Washburn, in view of Glitho, to include this feature for the benefit of added security.

Response to Arguments

7. Applicant's arguments, filed 1/18/11, with respect to the objection of claim 18 have been fully considered and are persuasive. The objection of claim 18 has been withdrawn.

8. Applicant's arguments, filed 1/18/11, regarding claims 29-36 have been fully considered but they are not persuasive for the following reasons:

Regarding the above references not teaching an intermediate server, running on the same wireless information device/apparatus as the first and second application, receiving data sent by the first application and providing the data to the second application, a time-sensitive/1st application is run on and sent from a wireless device to a server that stores said time-sensitive information. The server runs a question-answering/2nd application based on said time-sensitive/1st application run on said device, which includes the server sending said questions to said device, indicating the server runs on the same device as the time-sensitive/1st application and the question-answering/2nd application, as indicated in Column 16, lines 1-11.

9. Applicant's arguments with respect to claims 21-22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rafael Perez-Gutierrez can be reached on 571-272-7915. The fax phone number for the organization where this application or proceeding is assigned is 571-270-6361.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-273-8300.

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